

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE:

Andrew Todd Brooke, and  
Colette Joy Brooke,

Debtors

CHAPTER 13

CASE NO. 16-31316

**AMENDED NOTICE OF HEARING ON MOTION**

To all interested parties:

TAKE NOTICE that a Hearing on the **Amended Motion To Vacate Dismissal and Reinstate** in the above matter will be held on May 9, 2017 at 10:00 AM, at the United States Bankruptcy Court, Charles Jonas Federal Building, 401 W. Trade Street, Charlotte, North Carolina, or as soon thereafter as it can be heard by the Court.

Today is April 25, 2017.

/s/Jeanne Ann Pennebaker  
Jeanne Ann Pennebaker, Esq.  
Attorney for Debtor  
NC Bar 39174  
10130 Perimeter Parkway, Suite 200  
Charlotte, NC 28216  
(704) 602-5233

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
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**AMENDED MOTION TO VACATE DISMISSAL AND REINSTATE**

NOW COMES Debtors herein, by and through counsel, and respectfully shows the Court:

1. The Debtors filed Their Chapter 13 petition on August 12, 2016, and said case was confirmed on November 12, 2016.
2. Debtors were operating under a future default provision for March 2017. Debtors missed the March trustee payment which triggered the automatic dismissal on April 7, 2017.
3. Debtors were confused as to the timing and location of their payments. They had a conversation with their mortgage company, Envoy Mortgage, and were told emphatically to make the mortgage payment directly to the mortgage company despite the wording of the order for Permanent Loan Modification [Doc34] stating that they were to resume trustee payments of \$2665 in February 2017 and the conduit was to resume for March 2017.
4. The order on the Trustee Motion To Dismiss or Modify stated they could resume their payments of \$2665 in March [Doc36]. Debtor could not make a full payment of \$2665 to the trustee in March after mistakenly making the mortgage payment of \$1482.59 on March 1, 2017.
5. Debtors have paid the Mortgage payment directly for February, March, and April 2017, and thus their default is not as large as it would otherwise be. A copy of proofs of payments are attached hereto as group Exhibit 1.
6. Debtors tendered a payment to the trustee of \$2665 on 4/24/2017 for the April trustee payment to be utilized if this case is reinstated.
7. Debtors have struggled with difficulties due to air conditioner repair, and a change of job for Andrew Brooke to a lesser paying job. But believes they can succeed going forward if they don't have to catch up further default.

8. Debtors do not want to have to refile and incur all new fees and costs nor try to be in a new Chapter 13 for another five years if they can complete this one.
9. The Debtors attorney is entitled to non-base fees of \$450.

WHEREFORE, the undersigned requests of the Court as follows:

1. That the Court vacate the dismissal and reinstate the debtor's Chapter 13 case.
2. That the Trustee adjust the claim of Envoy Mortgage to reflect the mortgage payments paid directly by the Debtors for February, March, and April of 2017.
3. That Debtor's attorney is awarded the non-base fee of \$450.
4. For such other and further relief as this Court deems just and proper.

Today is April 25, 2017.

/s/Jeanne Ann Pennebaker  
Jeanne Ann Pennebaker, Esq.  
Attorney for Debtor  
NC Bar 39174  
10130 Perimeter Parkway, Suite 200  
Charlotte, NC 28216  
(704) 602-5233





5100 Westheimer, Suite 320  
P. O. Box 460469  
Houston, TX 77056

February 27, 2017

ANDREW BROOKE  
COLETTE BROOKE  
11466 CEDARVALE FARM PARKWAY

MIDLAND, NC 28107

Re: ACH Draft - Oral Authorization  
Envoy Mortgage, Ltd. Loan Number: 2240203658  
Property Address: 11466 CEDARVALE FARM PARKWAY  
MIDLAND, NC 28107

Dear Customer(s):

This letter confirms your oral authorization on February 27, 2017 for Envoy Mortgage, Ltd. to originate an ACH debit entry to your bank account. The details of your oral authorization are as follows:

ACH Draft Date: 3/2/2017  
Amount of Debit: \$1,482.59  
Checking or Savings: Checking  
Payment Due Date: 2/1/2017

If the above information is incorrect, or if you did not authorize the ACH debit, contact us right away. Please be aware that payments taken over the telephone after 3:00 Central Time will be posted on the next business day.

If you have any questions, please do not hesitate to call our Customer Service Department toll free at 1-877-754-0545 between 8:00 am and 5:00 pm, Central Time, Monday through Friday.

Sincerely,

Envoy Mortgage, Ltd.

CS10



Envoy Mortgage, Ltd. is a debt collector. Unless you are in bankruptcy or received a bankruptcy discharge of this debt, Envoy Mortgage, Ltd. is attempting to collect a debt and any information obtained will be used for that purpose. If you are in bankruptcy or received a bankruptcy discharge of this debt, this communication is not an attempt to collect the debt against you personally, but is a notice of a possible enforcement of the lien against the collateral property.

**Jeanne Ann Pennebaker, Esq.**

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**From:** Colette Brooke <colette.brooke@gmail.com>  
**Sent:** Tuesday, April 25, 2017 11:55 AM  
**To:** Jeanne Ann Pennebaker, Esq.  
**Subject:** March - Envoy Mortgage, Ltd.: One-time Payment Confirmation

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

----- Forwarded message -----

**From:** <[servicing@envoymortgage.com](mailto:servicing@envoymortgage.com)>  
**Date:** Fri, Mar 31, 2017 at 4:37 PM  
**Subject:** Envoy Mortgage, Ltd.: One-time Payment Confirmation  
**To:** [colette.brooke@gmail.com](mailto:colette.brooke@gmail.com)

Dear ANDREW BROOKE & COLETTE BROOKE,

Thank you for your payment request submitted on 03/31/17 3:37 PM CST.

Your confirmation number is 7CDFC1E0B3B5BDBDFBDDEC2DC70F92D.  
A one-time payment has been set up for the account listed below:

Loan Number: \*\*\*\*\*3658  
For Payment Due: 03/01/17

Financial Institution: RIVER BANK & TRUST  
Account Type: Checking  
Routing/Transit Number: \*\*\*\*\*567  
Account Number: \*\*\*\*\*3096

Payment Amount: \$1,482.59  
Additional Principal: \$0.00  
Additional T&I Amount: \$0.00  
Unapplied Amount: \$0.00  
Fee Amount: \$0.00

You have authorized a transaction in the amount of \$1,482.59 to be processed on 03/31/17.

Single payments made online after 5:00pm Central Time will be processed the next business day. \*\*NOTE:  
AUTO PAY FOR "ONE-TIME PAYMENT" AND "RECURRING DRAFT" CANNOT BE SCHEDULED ON  
THE SAME DAY\*\*

Please print this email for your records.

**Jeanne Ann Pennebaker, Esq.**

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**From:** Colette Brooke <colette.brooke@gmail.com>  
**Sent:** Tuesday, April 25, 2017 11:54 AM  
**To:** Jeanne Ann Pennebaker, Esq.  
**Subject:** April - Envoy Mortgage, Ltd.: One-time Payment Confirmation

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

----- Forwarded message -----

**From:** <[servicing@envoymortgage.com](mailto:servicing@envoymortgage.com)>  
**Date:** Fri, Apr 21, 2017 at 9:39 AM  
**Subject:** Envoy Mortgage, Ltd.: One-time Payment Confirmation  
**To:** [colette.brooke@gmail.com](mailto:colette.brooke@gmail.com)

Dear ANDREW BROOKE & COLETTE BROOKE,

Thank you for your payment request submitted on 04/21/17 8:39 AM CST.

Your confirmation number is A764A365D882E0F269F01C3A78105163.  
A one-time payment has been set up for the account listed below:

Loan Number: \*\*\*\*\*3658  
For Payment Due: 04/01/17

Financial Institution: SUNTRUST BANK  
Account Type: Checking  
Routing/Transit Number: \*\*\*\*\*465  
Account Number: \*\*\*\*\*9431

Payment Amount: \$1,482.59  
Late Charge Amount: \$40.23  
Additional Principal: \$0.00  
Additional T&I Amount: \$0.00  
Unapplied Amount: \$0.00  
Fee Amount: \$0.00

You have authorized a transaction in the amount of \$1,522.82 to be processed on 04/21/17.

Single payments made online after 3:00pm Central Time will be processed the next business day. \*\*NOTE:  
AUTO PAY FOR "ONE-TIME PAYMENT" AND "RECURRING DRAFT" CANNOT BE SCHEDULED ON  
THE SAME DAY\*\*

Please print this email for your records.



UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE:

Andrew Todd Brooke, and  
Colette Joy Brooke,

Debtors

CHAPTER 13

CASE NO. 16-31316

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing AMENDED NOTICE OF HEARING ON MOTION and Amended Motion To Vacate Dismissal and Reinstate were served upon the following by depositing into the U.S. Mail or via ECF service through the US Bankruptcy Court:

Attached ECF Notice

Today is April 25, 2017.

/s/Jeanne Ann Pennebaker  
Jeanne Ann Pennebaker, Esq.  
Attorney for Debtor  
NC Bar 39174  
10130 Perimeter Parkway, Suite 200  
Charlotte, NC 28216  
(704) 602-5233

Label Matrix for local noticing  
0419-3  
Case 16-31316  
Western District of North Carolina  
Charlotte  
Fri Apr 21 13:46:54 EDT 2017

Ashley Funding Services LLC  
c/o Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Cavalry SPV I, LLC  
C/o Bass & Associates, P.C.  
3936 E. Ft. Lowell Rd., Suite #200  
Tucson, AZ 85712-1083

Envoy Mortgage  
PO Box 660101  
Dallas, TX 75266-0101

Internal Revenue Service  
P.O. Box 7317  
Philadelphia, PA 19101-7317

Medicredit  
PO Box 1629  
Maryland Heights, MO 63043-0629

RMB of North Carolina, Inc  
409 Bearden Park Cir  
Knoxville, TN 37919-7448

State Employees Credit Union  
PO Box 37369  
Raleigh, NC 27627-7369

Walmart/Synchrony  
PO Box 530927  
Atlanta, GA 30353-0927

United States Attorney  
227 West Trade Street  
Carillon Bldg, Suite 1700  
Charlotte, NC 28202-1675

CU1  
1941 Abbott Rd  
Anchorage, AK 99507-3448

Capital One Retail Services  
PO Box 7680  
Carol Stream, IL 60116-7680

Cedarvale Farm Homeowners  
c/o Kuester Management Group  
PO Box 998  
Commerce, GA 30529-0019

Envoy Mortgage, Ltd.  
5100 Westheimer #320  
Houston, TX 77056-5515

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

North Carolina Department of Revenue  
Bankruptcy Unit  
P.O. Box 1168  
Raleigh, NC 27602-1168

SETF  
PO Box 70832  
Charlotte, NC 28272-0832

Synchrony/Amazon  
PO Box 960013  
Orlando, FL 32896-0013

World Omni Financial Corp. Its Successor and  
Assigns  
c/o Weltman, Weinberg & Reis Co LPA  
323 W. Lakeside Ave Suite 200  
Cleveland OH 44113-1009

Charlotte Division  
401 West Trade Street  
Charlotte, NC 28202-1633

Capital One  
PO Box 71083  
Charlotte, NC 28272-1083

Carolinas Health Care System  
PO Box 71108  
Charlotte, NC 28272-1108

Credit Union 1  
1941 Abbott Rd  
Anchorage, AK 99507-3448

Furniture Row  
c/o Capital One Retail Services  
P.O. Box 7680  
Carol Stream, IL 60116-7680

LabCorp  
PO Box 2240  
Burlington, NC 27216-2240

Novant Health  
PO Box 602584  
Charlotte, NC 28260-2584

State Employees Credit Union  
Attn: Bankruptcy Dept  
PO Drawer 25279  
Raleigh, NC 27611-5279

Transworld Systems Inc.  
507 Prudential Rd  
Horsham, PA 19044-2308

Andrew Todd Brooke  
11466 Cedarville Farm Pkwy  
Midland, NC 28107-9315



Colette Joy Brooke  
11466 Cedarville Farm Pkwy  
Midland, NC 28107-9315

Jeanne Ann Pennebaker  
Jeanne Ann Pennebaker, PLLC  
10130 Perimeter Parkway  
Suite 200  
Charlotte, NC 28216-0197

Warren L. Tadlock  
5970 Fairview Road, Suite 650  
Charlotte, NC 28210-2100

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Envoy Mortgage Ltd.

(u) WORLD OMNI FINANCIAL CORP..

End of Label Matrix	
Mailable recipients	32
Bypassed recipients	2
Total	34